

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 94-607-C - ORDER NO. 94-998 ✓
SEPTEMBER 14, 1994

IN RE: Executone Information System - Request for Approval of Revisions to its South Carolina Tariff to Introduce "0+ Collect Customer Provided Inmate Calling Service" as a New Offering.)ORDER APPROVING TARIFF,)GRANTING CERTAIN)WAIVERS, DENYING)PETITION TO INTERVENE,)AND GRANTING MOTION)TO DENY INTERVENTION
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This matter is before the Public Service Commission of South Carolina (the Commission) on the request for approval of Executone Information Systems, Inc.'s (Executone's) August 10, 1994, tariff introducing 0+ collect customer provided public inmate calling service¹ as a new offering and related motions.

By letter dated August 26, 1994, the Executive Director of the Commission instructed Executone to publish a prepared Notice of Filing in newspapers of general circulation in the affected areas of the State. The Notice of Filing instructed interested parties of the manner and time in which they could request to intervene in the proceeding.² Executone complied with this instruction.

On September 2, 1994, Executone filed a "Motion for Exemption from Providing Unlimited Call Length from a Correctional Facility in South Carolina, For Exemption from Specific Provisions of COCOT

1. The August 10, 1994, tariff was amended August 24, 1994, to reflect the intraLATA rates of Southern Bell and the interLATA rates of AT&T.

2. The deadline for intervention was September 12, 1994.

Certificate and Other Exemptions as Requested by Institutional Facility Administrators" (Motion for Exemption). In that Motion, Executone informed the Commission that, prior to its filing of the tariff which is the subject of this docket, Georgetown County notified Executone of its intent to award Executone a contract to supply telephone services to the Georgetown County Detention Center.³ On August 19, 1994, Executone received formal notice of Georgetown County's bid award. In its notice, Georgetown County stated that, in order to retain the contract, Executone "must have a South Carolina Public Service Commission Tariff regarding 0+ collect calling service for institutions within thirty days of award (September 19, 1994)."

In its Motion for Exemption, Executone requests a waiver of certain provisions, attached hereto as Appendix A, of its COCOT certificate. Executone also requests that it be allowed to limit the length of a call to a duration specified by the correctional facility administrators and to limit the restrictions on blocking specific numbers.⁴

On the last day for intervention, the South Carolina Public Communications Association (SCPCA) filed its Petition to Intervene

3. On May 9, 1990, Executone obtained a COCOT Certificate from this Commission. See Order No. 90-508, Docket No. 85-150-C. On June 4, 1992, Executone received a Certificate of Public Convenience and Necessity to operate as a reseller of telecommunications services in South Carolina. See Order No. 92-425, Docket No. 92-052-C.

4. Originally, Executone had requested that it be exempted from any other limitations for which the correctional facility administrators requested an exemption. As noted by its letter of September 12, 1994, Executone deleted this provision from its Motion for Exemption.

as a party of record in this proceeding. The SCPCA asserted that Executone's tariff fails to contain the consumer and customer safeguards which have been required to be included in other inmate telephone service tariffs. Executone has filed a Motion to Deny the Petition to Intervene filed by the SCPCA.

On the same day, September 12, 1994, Executone confirmed by letter its agreement with the Consumer Advocate for the State of South Carolina (the Consumer Advocate) regarding Executone's tariff. This agreement, among other things, addresses chargeable time, customer complaints, call branding, rates, and customer billing. According to this letter, as a result of Executone's agreement with the Consumer Advocate, the Consumer Advocate did not intervene in Executone's filing.

After full consideration of the applicable law, the record of this docket, and the record of relevant Orders previously issued by this Commission, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

1. Executone's tariff to operate as an inmate telecommunications provider is hereby approved. The Commission concludes that Executone's tariff and its agreement with the Consumer Advocate, as confirmed by letter of September 12, 1994, fully and adequately protect the consuming public in this State.

2. The rates charged "0+" collect calls from confinement facilities on a local or intraLATA basis shall be no more than the rates charged by the LEC for local or intraLATA operated assisted

calls at the time such call is completed.

3. The rates charged for "0+" collect calls from confinement facilities on an interLATA basis shall be no more than the rates charged for interLATA operator assisted calls by AT&T Communications at the time such call is completed.

4. Executone is required to brand all calls so that it is identified as the carrier of such calls to the called party.

5. A "0+" collect call should only be completed upon positive or affirmative acceptance of the charges from the called party. Passive acceptance is prohibited.

6. Call detail information submitted by or on behalf of Executone to the local exchange company for billing must include the number for the COCOT access line as assigned by the local exchange company.

7. Executone's service shall comply with its agreement with the Consumer Advocate as recognized by its letter of September 12, 1994.


8. Executone's Motion for Exemption is granted. Consequently, Executone may limit the length of a call to a duration as specified by the correctional facility administration and Executone may limit the restrictions on blocking specific numbers. Further, Executone's request for exemption from the COCOT guidelines listed on Appendix A is granted.

9. Executone shall comply with all Commission guidelines pertaining to the provision of COCOT service as set forth in Docket No. 85-150-C and any other relevant proceedings, except as to those requirements specifically exempted above.

10. The SCPCA's Petition to Intervene is denied. The Commission finds that the SCPCA's stated reason for intervention is its concern for consumer safeguards. The Commission concludes that Executone's agreement as stated in its September 12, 1994, letter to the Consumer Advocate adequately protects the public interest. Consequently, the Commission concludes that the SCPCA's intervention would not lead to clarification of any outstanding issues. Further, the Commission concludes that intervention would only serve to delay the approval of this tariff and prevent Executone from securing its contract with Georgetown County. Therefore, for these reasons, Executone's Motion to Deny the SCPCA's Petition to Intervene is granted.

11. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

Because of the unique nature of telephone service for institutional settings, Executone requests a waiver of the following provisions of its COCOT Certificate in institutional settings:

4. Instrument must have the following characteristics and instructions:
 - a. Access "operator" at no charge. Dialing instructions for operator, 911 or emergency number and directory assistance.
 - b. Access 911, when available, at no charge.
 - c. Directory assistance, credit card, toll-free (1-800) calls, and third party billed calls must be able to be made without a coin deposit.
 - d. Appropriate emergency number must be clearly posted at each location.
 - e. Must have local address and/or telephone number to be contacted for refunds and have sufficient instructions for obtaining refund.
 - g. Instrument must display information on local address(es) and telephone(s) where callers can get assistance when problems occur with the instrument.
5. The customer owned coin or coinless operated telephone must be capable of completing both local and toll calls, further must have access to call certified inter-exchange carriers; further capable of accepting nickles, dimes and quarters; or dimes only; or quarters only, (coin only), and capable of returning coin if call is incomplete.
7. The customer owned coin or coinless operated telephones are required to provide a local directory at all times at the location.
8. The customer owned coin or coinless operated telephone must allow for completion of incoming calls except when the customer specifically requests and is granted an exemption from the Commission.